

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on September 26, 2008.

In this Amendment, claims 87, 131, 175-177, 182, and 183 are amended. New claims 184-190 are added, so that claims 87-88, 91, 95-99, 101, 102, 112, 114, 128-131, and 175-190 are pending and subject to examination.

Applicants' representative thanks Examiners Parikh and Gart for attending a telephonic interview on December 8, 2008 with the undersigned. During the interview, the pending claims were discussed. An Interview Summary dated December 15, 2008 summarizes the points raised during the interview.

35 U.S.C. §112, Second Paragraph

Claims 182-183 are rejected as being indefinite. At page 3 of the Office Action, the Examiner alleges that "it is unclear when the 'providing the electronic receipt to the portable device' step is occurring."

Applicants respectfully traverse. As the Examiner notes in the rejection, if an order of steps is not specified in a claim, then the claim encompasses a method that includes the steps performed in any order. Despite this, to expedite the prosecution of this application, Applicants have amended claim 182 to recite a specific order of steps. Withdrawal of the rejection of record is requested.

35 U.S.C. §101

Claims 182-183 are rejected under 35 U.S.C. §101. At page 4 of the Office Action, the Examiner alleges that claims 182 and 183 are non-statutory, since they may be performed within the human mind. This rejection is traversed.

Independent claim 182 is amended to recite "verifying the electronic receipt using the base device." Clearly, this step cannot be performed within the human mind. Accordingly, withdrawal of the §101 rejection is requested.

35 U.S.C. §102

Claims 87-88, 91, 95-99, 101-102, 112, 114, 128-131, and 175-183 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,590,038 to Pitroda et al. The abstract of Pitroda et al. describes a universal electronic transaction card ("UET card") that is capable of serving as a number of different credit cards, bank cards, identification cards, employee cards, medical cards and the like. The anticipation rejection is traversed.

Independent claims 87 and 177

Pitroda et al. fails to anticipate independent claims 87 and 177, and any claims dependent thereon, as each and every element of the claims is not taught or suggested by the Pitroda et al. Independent claim 87 recites, *inter alia*, "a base device communicatively coupled to a portable device, the base device associated with an identifier, the base device storing a plurality of electronic receipt policies." Independent claim 177 recites a similar limitation.

In the Interview Summary of December 15, 2008, the Examiner states that "the prior art discloses a plurality of electronic receipt policies. [The Examiner] explained the way the main computer (Fig. 2: Item 26) stores the policies of various service providers to accomplish the transactions and to generate the receipts." (Emphasis added.)

In view of this statement, it is now clear that the Examiner believes that the main computer 26 in Pitroda et al. is a "base device." Column 10, line 33 to column 11, line 11 of Pitroda et al. describes the functions associated with Pitroda et al.'s main central computer 26. Neither this passage nor any other portion of Pitroda et al. describes storing different "receipt policies" in the main computer 26. In the Office Action, the Examiner also cites column 6, lines 15-40 of Pitroda et al. as teaching a "health insuring coverage policy." It is unclear how a health insurance policy can be considered a "receipt policy." In any event, it is clear that even Pitroda et al.'s main computer 26 does not have a plurality of different receipt policies.

Notwithstanding this, to clarify the present claims and to expedite the prosecution, Applicants have specified that the “base device” is a “point of sale device.” Even assuming, *arguendo*, that Pitroda et al.’s “main central computer” 26 contains “a plurality of electronic receipt policies,” the main computer 26 in Pitroda et al. is clearly not a “point of sale device.” Although Pitroda et al. does mention a POS device (c. 10, l. 8-21), it is merely used as a pass through between the main central computer 26 and a UET card 20 (see FIG. 2 of Pitroda et al.). The POS device 23 does not have any specialized logic, let alone a plurality of receipt policies. Thus, Pitroda et al. clearly fails to anticipate claims 87, 177, and claims dependent thereon.

Pitroda et al. also fails to obviate claims 87, 177, and claims dependent thereon. There is simply no suggestion in Pitroda et al. to use a “plurality of receipt policies” in a POS device. If Pitroda et al.’s main computer has “receipt policies,” then Pitroda et al. teaches away from having a “plurality of receipt policies” in a POS device. If one were to modify Pitroda et al. to arrive at the present claims, the main central computer 26 would cease to become a main and central part of Pitroda et al.’s system.

Lastly, providing a number of different receipt policies for different service providers has a number of advantages not appreciated by the cited art. Different service providers may have different fraud detection and billing concerns, and embodiments of the invention advantageously include the use of different receipt policies in a single base device. Also, this functionality can be provided, even when the base device operates in a substantially off-line manner (i.e., without communication with a remote host). Since Pitroda et al. fails to teach or suggest all claim limitations, and further fails to appreciate the advantages provide by embodiments of the invention, Pitroda et al. also fails to obviate the presently rejected claims.

Independent claim 182

Pitroda et al. fails to anticipate independent claim 182 or any claims dependent thereon. Independent claim 182 recite, *inter alia*, “identifying an electronic receipt of a plurality of electronic receipts on a portable device using an identifier associated with a base device used in an associated transaction, wherein the base device is a point of sale device.” (Emphasis added.). The Examiner alleges that Figs. 23, 26, 27, 29, and column 6, lines 15-40 of Pitroda et al. teaches or suggests this feature. Figs. 23, 26, and 27 show UET cards and clearly do not show an identifier associated with a base device. Fig. 29 shows a flowchart. It also does not mention a base device identifier. Lastly, column 6, lines 15-40, describe a method for conducting an electronic credit transaction using a service institution account. This passage is reproduced below:

This invention also includes a method of conducting an electronic credit transaction using a service institution account which includes the steps of (1) selecting from a UET card a service institution account from a group of service institution accounts; (2) establishing an electronic communication between the universal electronic transaction card, a point of transaction system and a service institution system; (3) transmitting from the universal electronic transactions card to the point of transaction system the account information for the selected service institution account; (4) transmitting from the point transaction system to the service institution system transactional information for the credit transaction and the service institution account; (5) in the service institution system, screening the service account and transactional information to determine whether the account is valid and whether the credit transaction is within predetermined credit limits for that account; and (6) for valid accounts and credit transactions within predetermined limits, transmitting an authorization for the credit transaction to the point of transaction system, storing the transactional information for the credit transaction in the service institution system with respect to the service institution account, and transmitting the transactional information for the credit transaction to the universal electronic transaction card and storing the transactional information for the credit transaction in the

universal electronic transaction card with respect to the service institution account.

Clearly, this passage does not mention a base device identifier. Since Pitroda et al. fails to teach or suggest all limitations of claim 182 and claims dependent thereon, neither anticipation nor obviousness have been established.

The Examiner alleges at page 13 of the Office Action that

Pitroda discloses a system that has receipts stored on UETC with all the details including POS identification. POS identification is one of the basic details of any receipt when generated. The user can go to any POS for either exchange or return of the goods/services and when it gets connected to [the] POS and the system, all details of the transaction are available to the system for all the manipulation. It should be noted that the system reads all the personal and account information from UETC. Any attribute from the receipt is readable by the system. Receipts and its information with different attributes can be easily downloaded from UETC to any PC for accounting purposes. Similarly, the information related to receipts from UETC can be read by the system for any purpose.

Applicants submit that this interpretation of Pitroda et al. does not find support in Pitroda et al. While the Examiner alleges that "POS identification is one of the basic details of any receipt when generated," it is unclear where this is present in Pitroda et al. Applicants submit that Pitroda et al. fails to teach or suggest what the Examiner alleges that it teaches. Should the Examiner maintain this rejection, the Examiner is requested to provide a specific column and line number that teaches "POS identification is one of the basic details of any receipt when generated."

Lastly, some advantages associated with embodiments of the invention related to claim 182 can be found at paragraph [0031] of the specification. It is respectfully submitted that Pitroda et al. again fails to appreciate or contemplate such advantages. Thus, embodiments of the invention are both novel and non-obvious over Pitroda et al.

Appl. No. 10/676,508
Amdt.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

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